

## **REMARKS**

### **AMENDMENTS TO CLAIMS**

Applicant has amended claims 1, 20 and 39 so that each now includes a substantive limitation requiring: (1) that the aggregate event have a value; and (2) a first wager group having single, double and trifecta wagers and a second wager group having wagers on the aggregate event.

Each of claims 2, 21 and 40, which depend directly from claims 1, 20 and 39 respectively, have each been amended to include a substantive limitation requiring the second wager group to include an under wager and an over wager separated by a pivot value.

Claims 9, 28 and 47 have been canceled.

All remaining claims in the present application depend directly or indirectly from one of claims 2, 21 and 40. Therefore, every claim (other than claims 1, 20 and 39) as currently amended includes the limitations of: (1) an aggregate event having a value; (2) a first wager group having single, double and trifecta wagers and a second wager group having wagers on the aggregate event; and (3) the second wager group including an under wager and an over wager separated by a pivot value.

Additionally, claims 14, 33, 35, 52 and 54 have been amended to include a limitation that each random event has a numeric value.

### **Traversal of Rejections Under 35 U.S.C. § 102**

Examiner rejected claims 1, 2, 17, 20, 21, 36, 39, 40 and 55 under 35 U.S.C. § 102(b) as being anticipated by Jones. Applicant believes that the claims, as presently amended, should be allowed over Jones.

### The Jones Reference

Jones discloses a method of playing a game of chance utilizing three dice of differing colors. Jones discloses a limited number of types of wagers available to players, including wagers on the outcome of one die (see figure, 24), two-of-a-kind outcomes (figure, 20) and three-of-a-kind outcomes (figure, 34-39). Additionally, Jones includes wagers on the relative outcomes of the three dice, that is, wagers on which of the three dice will have the highest and/or lowest value (figure, 28-33).

Importantly, Jones fails to disclose or suggest several desirable wagers, namely: double wagers; trifecta wagers; or over-under wagers based on an aggregate event.

First, Jones does not disclose or suggest a double wager. A double wager permits a player to place a single wager (e.g., to place as little as a single “chip” on a wager) on a range of possible combinations of outcomes for two specific events. In the present context, a double wager would permit a user to place, for example, a single wager on any of the six outcomes of the red die combined with any of the six outcomes of the blue die, resulting in 36 possible wagers. Jones neither discloses nor suggests any such double wagers.

Next, Jones does not disclose or suggest a trifecta wager. A trifecta wager permits a player to place a single wager, as described in the preceding paragraph, on a range of possible combinations of outcomes for three specific events. In the present context, a trifecta wager would permit a user to place, for example, a single wager on any of six outcomes for each of the red, white and blue dice, resulting in 216 possible wagers. Jones nowhere discloses nor suggests such trifecta wagers.

Finally, Jones does not disclose nor suggest over-under wagers on an aggregate event, either with or without a pivot value. Jones does disclose wagers on the relative values of the dice in the form of "red highest" (i.e., higher in value than both the blue and white dice), "red lowest" (i.e., lower in value than both the blue and white dice), and the like, but this is readily distinguishable from an over-under wager, which is a wager on whether the total value of the three dice will be higher or lower than some pre-determined value or values. Jones nowhere discloses or suggests such an over-under wager.

#### Claims 1, 20 and 39

Each of claims 1, 20 and 39, as currently amended, include *inter alia* a limitation requiring a wager group comprised of single, double and trifecta wagers. These trifecta wagers are illustrated in figures 4 through 6, where one can see individual trifecta wager areas 33. Each wager area in the trifecta wager sub-set represents the combination of the outcomes shown in: (1) the first column adjacent to the selected trifecta wager area; (2) the second column adjacent to the selected trifecta wager area; and (3) the selected trifecta wager area. Players may make a single wager on any possible combination of first, second and third events (or second, third, fourth events, etc.). In the preferred embodiment, the present invention has 540 such "single chip" trifecta wagers, that is, players in the preferred embodiment can select from 540 different trifecta wagers, each of which can be selected with a single wager or "chip". As previously discussed, Jones does not disclose expressly or inherently any double or trifecta wagers as disclosed and claimed in the present application. As a result, Jones does not anticipate or otherwise render obvious claims 1, 20 and 39.

#### Claims 2, 21 and 40

Claims 2, 21 and 40 depend directly from claims 1, 20 and 39 respectively. As applicant has demonstrated, Jones neither anticipates nor renders obvious claims 1, 20 and 39. For the same reasons, Jones neither anticipates nor renders obvious claims 2, 21 or 40.

Additionally, claims 2, 21 and 40 each include a further limitation requiring the second wager group to include an under wager and an over wager separated by a pivot value. As discussed above, Jones neither discloses nor teaches any over-under wagers, no less ones separated by a pivot value. Therefore, as amended, Jones neither anticipates nor renders obvious claims 2, 21 or 40 for this additional reason.

#### Claims 17, 36 and 55

Claims 17, 36 and 55 depend directly from claims 2, 21 and 40 respectively, and therefore indirectly from claims 1, 20 and 39 respectively. As applicant has demonstrated, Jones neither anticipates nor renders obvious claims 1, 2, 20, 21, 39 or 40. For the same reasons, Jones neither anticipates nor renders obvious claims 17, 36 or 55.

#### **Traversal of Rejections Under 35 U.S.C. § 103**

Examiner rejected claims 3-16, 18, 19, 22-35, 37, 38, 41-54, 56 and 57 as being unpatentable under 35 U.S.C. § 103(a) over Jones in further view of Timmons. Applicant believes that these claims, as presently amended, should be allowed over Jones in view of Timmons when these references are properly understood.<sup>1</sup>

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<sup>1</sup> Claims 9, 28 and 47 have been cancelled, and so they may be disregarded for purposes of this discussion.

### The Timmons Reference

Timmons discloses a game of chance utilizing four dice and including a variety of wagers on the outcome of the roll of these dice. Timmons does not disclose or suggest anywhere that these four dice are distinguishable from one another or that each outcome of the roll of each of these dice is distinguishable from any other outcome (see paragraphs 18-21). Indeed, the wagers disclosed by Timmons are completely devoid of any reference to distinguishable events, instead presenting players with non-event-specific wagers such as “straight” (see figure 1, 112), “specific three of a kind” (figure 1, 114), “any pair” (figure 1, 111), and the like.

The conclusion that Timmons does not contemplate differentiable events is bolstered by reference to Table 1, entitled “Probability of a Given Roll Using from 2 to 5 Dice”. Importantly, Table 1 refers to “a given roll” as encompassing a single event utilizing all of 2 to 5 dice; it does not disclose or suggest any differentiation between, for example, rolls of 1-2-3 and 3-1-2. Instead, Timmons treats the rolling of all 2 to 5 dice as a single event. Clearly, Timmons does not contemplated differentiable random events.

Finally, Timmons does not disclose or suggest any over-under wagers, with or without a pivot value.

### Claims 3-16, 18, 19, 22-35, 37, 38, 41-54, 56 and 57

Claims 3-16, 18, 19, 22-35, 37, 38, 41-54, 56 and 57 all depend directly or indirectly from one of claims 2, 21, and 40, and so all include the limitations common to these three claims, namely: (1) an aggregate event having a value; (2) a first wager group having single, double and trifecta wagers and a second wager group having wagers on the aggregate event; and (3) the second wager group including an under wager and an over wager separated by a pivot value.

As discussed earlier, Jones does not disclose expressly or inherently any double or trifecta wagers as disclosed and claimed in the present application, nor does Jones disclose or suggest over-under wagers on an aggregate event, either with or without a pivot value. Furthermore, as discussed immediately above, Timmons does not disclose or suggest any wagers requiring differentiation of events such as double and trifecta wagers, nor does Timmons disclose any over-under wagers on an aggregate event, either with or without a pivot value.

Thus, assuming that there existed some motivation to combine the Jones and Timmons references – an assumption applicant believes is not warranted based in part on Timmons' lack of teaching of differentiable events – the combination of these two references does not disclose or suggest any of the claims of the present application as currently amended. Jones in further view of Timmons does not render obvious any of claims 3-16, 18, 19, 22-35, 37, 38, 41-54, 56 and 57.

#### **Rejections Under 35 U.S.C. § 112**

Examiner rejected claims 11, 14, 16, 30, 33, 35, 47, 49, 52 and 54 as being indefinite under 35 U.S.C. § 112. Claims 1, 20 and 39 have been amended to include a positive recitation that the aggregate event has a value, and claims 14, 33, 35, 52 and 54 have been amended to include the positive recitation that the random events comprise numeric values, thereby obviating Examiner's rejection. These amendments are supported by the specification, with specific reference to the preferred embodiment.

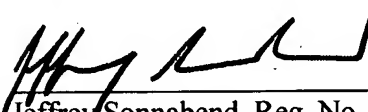
#### **Conclusion**

For the foregoing reasons, applicant believes that Jones does not anticipate or render obvious any claims in the application as currently amended. Furthermore, Jones in further view of Timmons, assuming arguendo any motivation to combine them, does not render obvious any

claims in the application as currently amended. Finally, the amendments have obviated Examiner's rejections under 35 U.S.C. § 112. Applicant therefore respectfully requests that Examiner allow the claims as presently amended.

Respectfully submitted,

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